

PTO/GS/17 (07-07)

Approved for use through 08/30/2010. OMB 0651-0032
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Effective on 12/08/2004,
Fees pursuant to the Consolidated Appropriations Act, 2005 (H.R. 4818).**FEE TRANSMITTAL**
For FY 2007**Complete If Known**

Application Number	10/000,005
Filing Date	November 20, 2001
First Named Inventor	E. Schuler
Examiner Name	A. Altor
Art Unit	3762
Attorney Docket No.	0607-1006

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SEP 17 2007☒ Applicant claims small entity status. See 37 CFR 1.27TOTAL AMOUNT OF PAYMENT (\$) 65.00**METHOD OF PAYMENT (check all that apply)**☐ Check ☐ Credit Card ☐ Money Order ☐ None ☐ Other (please identify): _____☒ Deposit Account Deposit Account Number 06-1838 Deposit Account Name Francis Law Group

For the above-identified deposit account, the Director is hereby authorized to: (check all that apply)

☒ Charge fee(s) indicated below☐ Charge fee(s) indicated below, except for the filing fee☒ Charge any additional fee(s) or underpayments of fee(s) under 37 CFR 1.16 and 1.17☒ Credit any overpayments

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FEE CALCULATION**1. BASIC FILING, SEARCH, AND EXAMINATION FEES**

Application Type	FILING FEES		SEARCH FEES		EXAMINATION FEES		Fees Paid (\$)
	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	
Utility	300	150	500	250	200	100	
Design	200	100	100	50	130	65	
Plant	200	100	300	150	160	80	
Reissue	300	150	500	250	600	300	
Provisional	200	100	0	0	0	0	

2. EXCESS CLAIM FEES**Fee Description**

Each claim over 20 (including Reissues)

Fee (\$)

Small Entity Fee (\$)

Each independent claim over 3 (including Reissues)

50

25

Multiple dependent claims

200

100

360

180

Total Claims**Extra Claims****Fee (\$)****Fee Paid (\$)**

- 20 or HP = _____ x _____ = _____

HP = highest number of total claims paid for, if greater than 20.

Indep. Claims**Extra Claims****Fee (\$)****Fee Paid (\$)**

- 3 or HP = _____ x _____ = _____

HP = highest number of independent claims paid for, if greater than 3.

Multiple Dependent Claims**Fee (\$)****Fee Paid (\$)****3. APPLICATION SIZE FEE**

If the specification and drawings exceed 100 sheets of paper (excluding electronically filed sequence or computer listings under 37 CFR 1.52(e)), the application size fee due is \$250 (\$125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).

Total Sheets**Extra Sheets****Number of each additional 50 or fraction thereof****Fee (\$)****Fee Paid (\$)**

- 100 = _____

- 50 = _____

/ 50 = _____ (round up to a whole number) x _____ = _____

4. OTHER FEE(S)

Non-English Specification, \$130 fee (no small entity discount)

Fees Paid (\$)Other (e.g., late filing surcharge): Terminal Discontinuation Fee65.00**SUBMITTED BY**

Signature

Name (Print/Type)

Ralph C. Francis

Registration No.

38,884

(Attorney/Agent)

Telephone 510.533.1100

Date 09/17/07

This collection of information is required by 37 CFR 1.136. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 30 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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FACSIMILE TRANSMISSION COVER SHEET

Date:	September 17, 2007
To:	Commissioner for Patents
Company:	US Patent and Trademark Office
Fax Number:	571.273.8300
Tele. Number:	
From:	Ralph C. Francis
Company	Francis Law Group
Tele. Number:	510/533-1100
Attorney Docket:	0607-1006

TOTAL PAGES INCLUDING THIS COVER SHEET: 6 page(s).

If all pages are not received, please call us as soon as possible at (510) 533-1100. To transmit a facsimile to Francis Law Group, please dial (510) 533-1106 at any time.

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PTO/SB/21 (04-07)

Approved for use through 08/30/2007, OMB 5851-0031

U.S. Patent and Trademark Office, U.S. DEPARTMENT OF COMMERCE


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TRANSMITTAL FORM <small>(to be used for all correspondence after initial filing)</small>	Application Number	10/000,005	
	Filing Date	November 20, 2001	
	First Named Inventor	E. Schuler	
	Art Unit	3782	
	Examiner Name	Alynn M. Allor	
Total Number of Pages in This Submission	4	Attorney Docket Number	0807-1008


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ENCLOSURES (Check all that apply)		
<input checked="" type="checkbox"/> Fee Transmittal Form <input checked="" type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavit/Declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Reply to Missing Parts/Incomplete Application <input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.82 or 1.83	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation <input type="checkbox"/> Change of Correspondence Address <input checked="" type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____ <input type="checkbox"/> Landscape Table on CD	<input type="checkbox"/> After Allowance Communication to TC <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input type="checkbox"/> Other Enclosure(s) (please identify below):
Remarks _____		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm Name	Francis Law Group		
Signature			
Printed name	Ralph C. Francis		
Date	September 17, 2007	Reg. No.	38,884

CERTIFICATE OF TRANSMISSION/MAILING

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below:			
Signature			
Typed or printed name	Ralph C. Francis	Date	September 17, 2007

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Attorney Docket: 0707-1006
Terminal Disclaimer

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SEP 17 2007

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE APPLICATION OF: SCHULER, et al.)
)
FOR: Method to Record, Store and Broadcast)
Specific Brain Waveforms to Modulate)
Body Organ Functioning)
)
SERIAL NO: 10/000,005)
)
FILED: November 20, 2001)
)
ART UNIT NO: 3762)
)
EXAMINER: Alyssa M. Alter)
)
DOCKET NO: 0607-1006)

Submission of Substitute Terminal Disclaimer

Commissioner of Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

On April 11, 2007, in response to an Official Action (dated February 23, 2007), Applicants submitted a Terminal Disclaimer to overcome a double patenting rejection. The Terminal Disclaimer was, however, inadvertently filed without identifying the subject patent.

Attorney Docket: 0707-1006
Terminal Disclaimer

Applicants are accordingly submitting herewith a substitute Terminal Disclaimer, which correctly identifies the patent subject to the disclaimer, i.e. U.S. Patent No. 6,633,779.

Respectfully submitted,
Francis Law Group

By 

Ralph C. Francis
Reg. No. 38,884

Dated: September 17, 2007
FRANCIS LAW GROUP
1942 Embarcadero
Oakland, California 94606
(510) 533-1100

PTO/SB/26 (09-00)

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U.S. Patent and Trademark Office, U.S. DEPARTMENT OF COMMERCE

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**TERMINAL DISCLAIMER TO OBVIATE A DOUBLE PATENTING
REJECTION OVER A "PRIOR" PATENT**

Docket Number (Optional)

0607-1006

In re Application of: Schuler, et al.

Application No.: 10/000,805

Filed: November 20, 2001

For: Method to Record, Store and Broadcast Specific Brain Waveforms to Modulate Body Organ Functioning

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The owner, Science Medicus, Inc., of 100 percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application which would extend beyond the expiration date of the full statutory term prior patent No. 6,133,779, as the term of said prior patent is defined in 35 U.S.C. 154 and 173, and as the term of said prior patent is presently shortened by any terminal disclaimer. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the prior patent are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of the term of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 and 173 of the prior patent, "as the term of said prior patent is presently shortened by any terminal disclaimer," in the event that said prior patent later:

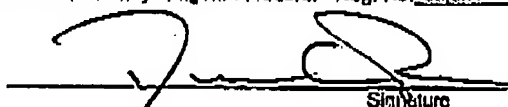
- expires for failure to pay a maintenance fee;
- is held unenforceable;
- is found invalid by a court of competent jurisdiction;
- is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321;
- has all claims canceled by a reexamination certificate;
- is released; or
- is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

Check either box 1 or 2 below, if appropriate.

1. ☐ For submissions on behalf of a business/organization (e.g., corporation, partnership, university, government agency, etc.), the undersigned is empowered to act on behalf of the business/organization.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

2. ☒ The undersigned is an attorney or agent of record. Reg. No. 38,884


Signature

April 11, 2007
Date

Ralph C. Francis
Typed or printed name

(510) 533-1100
Telephone Number

- ☒ Terminal disclaimer fee under 37 CFR 1.20(d) included.

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*Statement under 37 CFR 3.75(b) is required if terminal disclaimer is signed by the assignee (owner).
Form PTO/SB/98 may be used for making this certification. See MPEP § 324.

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